


**U.S. Department of Labor**

Mine Safety and Health Administration  
201 12th Street South  
Arlington, Virginia 22202-5452



FEB 07 2017







**MEMORANDUM FOR:** Marvin Lichtenfels  
Deputy Administrator for Metal and Nonmetal  
Mine Safety and Health


**FROM:** JEFFREY A. DUNCAN   
Committee Chair  
Director for Educational Policy and Development

**SUBJECT:** Chargeability Review Decision

<b>Case No.:</b> 2017-M-01- 	<b>Deceased:</b> 
<b>Date of Incident:</b> January 3, 2017	<b>Date of Death:</b> January 3, 2017
<b>Operator:</b> Markowski Excavating Inc.	<b>Mine:</b> Plymouth Quarry MSHA ID 43-00555
<b>Autopsy Conducted:</b> No	<b>Death Certificate Issued:</b> January 12, 2017

**Decision:** Not Chargeable

I reviewed the investigative file in the death of  and determined it should not be charged to the mining industry.  age 64, was clearing snow with a skid steer loader and stopped his loader to have a conversation with a customer truck driver. As the two were talking,  suddenly gasped for breath and slumped over. The truck driver went to  and found him unresponsive. 911 was called,  was removed from his loader, and cardiopulmonary resuscitation was started. The County Sheriff's Department arrived and administered shock treatments with an automated external defibrillator to no avail.  could not be revived and was pronounced dead at the scene by the County Coroner.

The death certificate states that the manner of death was natural, and the cause of death was hypertensive and atherosclerotic cardiovascular disease. The MSHA investigation determined that  was performing his regular job duties at the time of the incident. His equipment was also inspected, and no deficiencies found.

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Based on the death certificate and MSHA's investigation, I determined that the death of [REDACTED] was not due to mine related work activities and should not be charged to the mining industry.

cc: Patricia W. Silvey  
Kevin G. Stricklin  
Sheila A. McConnell  
Lawrence Trainor